

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE:)	
)	
JASON WILLIAM KOONTZ and)	CASE NO. 09-30024
KRISTIN MAUREEN KOONTZ,)	
)	
Debtors.)	
_____)	
)	
KRISTIN MAUREEN KOONTZ,)	ADVERSARY NO. 10-03005
)	
Plaintiff,)	
vs.)	
)	
EVERHOME MORTGAGE COMPANY,)	
TRUSTCORP MORTGAGE COMPANY,)	
EVERBANK, AND MORTGAGE)	
ELECTRONIC REGISTRATION SYSTEMS,)	
INC.,)	
Defendants.)	

**DEFENDANTS, EVERHOME MORTGAGE COMPANY AND
EVERBANK'S MOTION FOR SUMMARY JUDGMENT**

Defendants, EverHome Mortgage Company ("EverHome") and EverBank, by counsel, pursuant to Federal Rule of Bankruptcy Procedure 7056, respectfully request that the Court enter summary judgment in their favor and against the Plaintiff, Kristin Maureen Koontz ("Plaintiff"), on all counts of her Complaint in this matter (the "Complaint"), and award Defendants their attorneys' fees incurred in defending their interest in the Property, and in support thereof, states:

1. There is no genuine issue of material fact, and EverHome and EverBank are entitled to judgment in their favor and against Plaintiff with respect to all issues and allegations raised by the Plaintiff in her Complaint, filed with this Court on or about January 18, 2010.

2. In support of this Motion, EverHome and EverBank also file contemporaneously herewith, and incorporates herein by reference, the Supplemental Affidavit of EverHome

Mortgage Company (the “Supplemental EverHome Affidavit”) and the Affidavit in Support of Request for Attorneys’ Fees as Exhibit A and Exhibit B, respectively, together with their Designation of Evidence and their Brief in Support of Defendants’ Motion for Summary Judgment.

3. There is no just reason for delay, and EverHome and EverBank are entitled to judgment in their favor and against the Plaintiff as a matter of law on all counts of the Complaint.

WHEREFORE, Defendants, EverHome Mortgage Company and EverBank, by counsel, respectfully request that this Court grant summary judgment in their favor and against Plaintiff on all issues and claims raised in her Complaint, award Defendants their attorneys’ fees incurred in defending their interest in the Property, and grant all other appropriate relief.

Respectfully submitted,

/s/ David J. Jurkiewicz

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Attorneys for EverHome Mortgage
Company and EverBank

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2010, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Debra Voltz-Miller

dvoltz-miller@datacruz.com

I further certify that on the 1st day of March, 2010, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

(none)

/s/ David J. Jurkiewicz

David J. Jurkiewicz